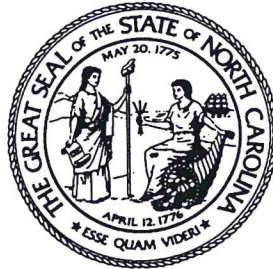


STATE OF NORTH CAROLINA  
CUMBERLAND COUNTY

IN THE GENERAL COURT OF JUSTICE  
TWELFTH JUDICIAL DISTRICT



## ORDER

In Re: Policies Relating to Bail and Pretrial Release

**WHEREAS**, the attached Policies Relating to Bail and Pretrial Release constitute the official recommended policies and standards concerning release on bail bond and pretrial release of a defendant in a criminal case before trial in the courts of Cumberland County, in and for the Twelfth Judicial District;

**WHEREAS**, these policies are established in accordance with Chapter 15A of the General Statutes of North Carolina, and replace the policies that were established by this jurisdiction enacted July 1, 2011;


**IT IS ORDERED** that the Trial court administrator cause these Policies Relating to Bail and pretrial Release to be filed in the Office of the Clerk of Superior Court in the Twelfth Judicial District, and that copies of this order and policies be delivered to the following Twelfth Judicial District court officials, and agencies of law enforcement in the county;


The Senior Resident Superior Court Judge  
Each Resident Superior Court Judge  
The Chief District Court Judge  
Each District Court Judge  
All Magistrates  
Sheriff of Cumberland County  
Chief of Police for the City of Fayetteville

Chief of Police for the Town of Hope Mills  
Chief of Police for the Town of Spring Lake  
Chief of Police for the Town of Stedman  
Highway Patrol, Sergeant whose duties cover this county.

This the 3<sup>rd</sup> day of February 2014.

**THIS ORDER AND POLICIES RELATING TO BAIL AND  
PRETRIAL RELEASE SUPERSEDE ALL PREVIOUS  
POLICIES, AND SHALL BECOME EFFECTIVE ON AND  
AFTER MARCH 1, 2014.**

  
James Floyd Ammons, Jr.  
Senior Resident Superior Court Judge

  
A. Elizabeth Keever  
Chief District Court Judge

# **PRETRIAL RELEASE POLICIES IN THE TWELFTH JUDICIAL DISTRICT CUMBERLAND COUNTY**

## **I. GENERAL POLICY**

The Constitutions of the United States (Amendment VIII) and North Carolina (Article I, Section 27) each state that “excessive bail shall not be required.”

To this end, and pursuant to G.S. 15A-535(a), the following policies are adopted as a guide in determining conditions of pretrial release in the Twelfth Judicial District.

## **CONDITIONS OF PRETRIAL RELEASE**

- A. G.S. 15A-534(a) requires that (except in capital cases) one of the following five conditions of pretrial release must be imposed:
  - (1) Release the defendant on a written promise to appear;
  - (2) Release the defendant upon execution of an unsecured appearance bond;
  - (3) Place the defendant in the custody of a designated person or organization agreeing to supervise him/her;
  - (4) Require the execution of an appearance bond secured by a cash deposit of the full amount of the bond, by a mortgage pursuant to G.S. 58-74-5, or by a solvent surety.
  - (5) House arrest with electronic monitoring.
- B. If condition (5) is imposed, the defendant must execute a secured bond under subdivision (4) of this subsection. If condition (3) is imposed, however, the defendant may elect to execute an appearance bond under subdivision (4). If the defendant is required to provide fingerprints pursuant to G.S. 15A-502(a1) or (a2), or a DNA sample pursuant to G.S. 15A-266.3A or G.S. 15A266.4, and (i) the fingerprints or DNA sample have not yet been taken or (ii) the defendant has refused to provide the fingerprints or DNA sample, the judicial official shall make the collection of the fingerprints or DNA sample a condition of pretrial release. The judicial official may also place restrictions on the travel, associations, conduct, or place of abode on the defendant as conditions of pretrial release pursuant to G.S. 15A- 534(a) (See III. below.)
- C. In granting pretrial release, the judicial official must impose condition (1), (2), or (3) above unless he determines that one of these first three conditions (a) will not reasonably assure the appearance of the defendant as required; (b) will pose a danger of injury to any person; or (c) is likely to result in destruction of evidence, subornation of perjury, or intimidation of witnesses. If and only if a judicial official determines that any one or more of the factors set out in (a), (b) or (c) apply, the judicial official must then impose condition



(4) or (5) in subsection (A) above instead of condition (1), (2), or (3), and must record the reasons for doing so in writing on the Secured Bond Findings form.

Other statutes apply in limited specific circumstances (see § V, B, *infra*)

### **DETERMINING CONDITIONS OF RELEASE TO IMPOSE**

- D. In determining which conditions of release to impose, the judicial official must, on the basis of available information, take into account the nature and circumstances of the offense charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, and mental condition; whether the defendant is intoxicated to such a degree that he would be endangered by being released without supervision; the length of his residence in the community; his record of convictions; his history of flight to avoid prosecution or failure to appear at court proceedings; pending charges, if any, and any other evidence relevant to the issue of pretrial release. 15A-534(c).
- E. The judicial official authorizing pretrial release under this section must issue an appropriate order containing a statement of the conditions imposed, if any; inform the defendant in writing of the penalties applicable to violations of the conditions of his release; and advise him that his arrest will be ordered immediately upon any violation. The order or release must be filed with the clerk and a copy given to the defendant. 15A-534 (d).

### **EFFECT OF FAILURES TO APPEAR 15A-534(d1)**

- F. When conditions of pretrial release are being imposed on a defendant who has failed on one or more prior occasions to appear to answer one or more charges to which the conditions apply, the judicial official shall at a minimum impose the conditions of pretrial release that are recommended in any order for arrest of the defendant that was issued for the defendant's most recent failure to appear. If no conditions are recommended in that order for arrest, the judicial official shall require the execution of a secured appearance bond in an amount at least double the amount on the most recent previous secured or unsecured bond for the charges, or, if no bond has yet been required for the charges, in the amount of at least one thousand (\$1,000.00) dollars.
- G. The judicial official shall also impose such restrictions on the travel, associations, conduct, or place of abode of the defendant as will assure that the defendant will not again fail to appear. The judicial official shall indicate on the release order that the defendant was arrested or surrendered after failing to appear as required under a prior release order.

- H. If the information available to the judicial official indicates that the defendant has failed to appear two or more prior occasions to answer the charges, the judicial official shall indicate that fact on the release order.

**DEFENDANTS CHARGED WITH A FELONY OFFENSE WHILE  
ON PROBATION 15A-534(d2); 15A-1345 (b1)**

- I. When conditions of pretrial release are being determined for a defendant who is charged with a felony offense and the defendant is currently on probation for a prior offense, a judicial official shall determine whether the defendant poses a danger to the public prior to imposing conditions of pretrial release and must record that determination in writing. This subsection shall apply to any judicial official authorized to determine or review the defendant's eligibility for release under any proceeding authorized by this chapter. See AOC-CR-272.
1. If the judicial official determines that the defendant poses a danger to the public, the judicial official must impose condition (4) or (5) in subsection (A) of this section instead of condition (1), (2), or (3).
  2. If the judicial official finds that the defendant does not pose a danger to the public, then conditions of pretrial release shall be imposed as otherwise provided in this article.
  3. If there is insufficient information to determine whether the defendant poses a danger to the public, then the defendant shall be retained in custody until a determination of pretrial release conditions is made pursuant to this subdivision. The judicial official that orders that the defendant be retained in custody shall set forth, in writing on AOC-CR-272, the following at the time that the order is entered:
    - (a) The defendant is being held pursuant to this subdivision.
    - (b) The basis for the judicial official's decision that additional information is needed to determine whether the defendant poses a danger to the public and the nature of the additional information.
    - (c) A date, within 96 hours of the time of arrest, when the defendant shall be brought before a judge for a first appearance pursuant to Article 29 of this Chapter. If the necessary information is provided to the court at any time prior to the first appearance, the first available judicial official shall set the conditions of pretrial release. The judge who reviews the defendant's eligibility for release at the first appearance shall determine the conditions of pretrial release as provided in this Article.



4. 15A-1345 (b1) has a similar provision for a probationer who is arrested for a violation of any of the conditions of probation and (i) has a pending charge for a felony offense or (ii) has been convicted of an offense at any time that requires registration under Article 27A of Chapter 14 or an offense that would have required registration but for the effective date of the law establishing the Sex Offender and Public Protection Registration Program. The judicial official must make the same determination as to whether the probationer poses a danger to the public as set out above on AOC-CR-272.

#### J. New Charge While on Pretrial Release

When a defendant is charged with a new offense while on pretrial release for another offense (in any county in North Carolina), the judicial official shall require the execution of a secured bond in an amount at least double the amount of the most recent previous secured or unsecured bond for the charges, or if no bond has yet been required for the charge in an amount of at least one thousand dollars (\$1,000.00). G.S. 15A-534(d3).

## II. PRETRIAL RELEASE IN CUMBERLAND COUNTY

Pursuant to the provisions of G.S. 15A-535-(b) a Pretrial Release program has been established in Cumberland County. A defendant, determined not to be eligible for release on a written promise to appear, unsecured bond or supervised release, may qualify to be released through the Pretrial Release Program

The Pretrial Release program should function to accomplish the following purposes:

1. To eliminate the inequities of a monetary bail bond system;
2. To alleviate the overcrowded jail facilities and reduce the cost of housing, guarding and feeding prisoners.
3. To preserve the defendant's ability to keep his job and support his family;
4. To aid the defendant in securing and consulting counsel and preparing the defendant's defense;
5. Whenever feasible, correct or initiate action to correct errors in the incarceration of individuals.

#### A. EXCLUSION LIST

A person charged with any of the following offenses is excluded from release under the Pretrial Release Program. However, this does not mean that Pretrial Release will not supervise such a person if otherwise found eligible, and approved for this release by a District or Superior Court Judge:

- Armed Robbery
- Arson/Burning

- Assault on a Police Officer with Weapon or Serious Injury to the same
- First Degree Burglary
- Felony Child Abuse
- Homicide
- Probation Violations
- Sex Offenses
- Trafficking/Sale of Drugs
- Willful Failure to Appear
- Crimes of Domestic Violence

## **B. INELIGIBLE LIST**

Any person who falls within the following criteria or charges is ineligible for the Pretrial Release Program:

- Contempt of Court charges;
- Jurisdiction of charges outside of Cumberland County;
- Federal Charges;
- Fugitive Charges;
- Parole Violations
- Non-Residents (Persons not living in North Carolina);
- Persons serving an active sentence

## **C. POINT SYSTEM**

The determination to release under the program is based on a point system, which is applied to the information that the defendant has given and has been verified where possible. Points are awarded under the following six categories of information: residence, time in Cumberland County, family ties, employment, character and prior record.

### **1. Points**

Points assignment in each of the six categories of information identified above are as follows:

#### **RESIDENCE – CUMBERLAND COUNTY AREA**

<b>Points</b>	<b>Criteria</b>
3 Points	Present residence 2 years <u>or</u> present and prior residence 3 years.
2 Points	Present residence 6 months <u>or</u> present and prior residence 1 year

1 Point	Present residence 4 months <u>or</u> present and prior residence 6 months
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### **TIME IN CUMBERLAND COUNTY AREA**

<b>Points</b>	<b>Criteria</b>
1 Point	Five years or more <u>or</u> stationed at Fort Bragg

### **FAMILY TIES – CUMBERLAND COUNTY AREA**

<b>Points</b>	<b>Criteria</b>
3 Points	Lives with parents <u>or</u> spouse and children.
2 Points	Lives with spouse <u>or</u> lives with children
1 Point	Lives with non-family friends <u>or</u> on Fort Bragg and has family ties in North Carolina.

### **EMPLOYMENT**

<b>Points</b>	<b>Criteria</b>
4 Points	Present job 3 – 5 years where employer will take back <u>or</u> present and prior job in Cumberland County over 5 years.
3 Points	Present job 1-3 years where employer will take back <u>or</u> present and prior job in Cumberland County over 2 years.
3 Points	Stationed at Fort Bragg or Pope Air Force Base <u>and</u> discharge date is greater than six months.
2 Points	Present job over six months where employer will take back <u>or</u> present and prior job in Cumberland County over one year.
2 Points	Student
1 Point	Present job less than six months <u>or</u> drawing unemployment or welfare



## **CHARACTER**

<b>Points</b>	<b>Criteria</b>
1 Point	Good character and reliability (determined by interview).
-2 Points	Prior Failure to Appear.
-2 Points	Prior Probation/Parole Violation.
-2 Points	Prior AWOL from military in last two years.
-2 Points	Definite knowledge of drug or alcohol addiction.

## **PRIOR CONVICTIONS**

<b>Points</b>	<b>Criteria</b>
-2 Points	Felony convictions
-1 Point	Misdemeanor convictions

### **III. RESTRICTIONS UPON DEFENDANT ON PRETRIAL RELEASE** [G.S. 5A-534 (a) and G.S. 15A-534.1]

The judicial official may place restrictions on:

- A. Travel;
- B. Associations;
- C. Conduct;
- D. Place of abode

### **IV. FORMS OF PRETRIAL RELEASE**

#### **A. Written Promise to Appear**

A written promise to appear is the recommended form of pretrial release for defendants of sound mind, with strong ties to the State of North Carolina, and who are charged with a misdemeanor if the statutory criteria are predominantly favorable to the defendant, neutral or unknown.

A written promise to appear should not be used if there is any significant question as to whether it will reasonably assure the defendant's appearance as required.

## **B. Unsecured Bond**

An unsecured bond is a recommended form of pretrial release for defendants of sound mind if such release will reasonably assure the appearance as required even if not all statutory criteria are favorable, neutral, or unknown.

Judicial officials are encouraged to emphasize to defendants released on an unsecured bond that a judgment can be entered against them in the amount of the unsecured bond upon any failure to appear as required.

## **C. Supervised Custodial Release**

Placement in the custody of a sober and responsible person or organization is a recommended form of release if the accused is a minor, in the legal custody of another person, is not mentally sound, is under the influence of an impairing substance, is ill, or is otherwise in need of care and supervision if the designated custodian agrees in writing to all terms and conditions of the custodial release.

If a judicial official finds a defendant is otherwise appropriate for a supervised custodial release but does not have proper identification, the defendant may still be released when the designated custodian produces proper identification of his or her own identity and positively identifies the defendant.

A judge may place a defendant with Pretrial Services as a form of Supervised Custodial Release. Monitoring by Pretrial Services may be imposed in addition to other conditions of release or may be the only condition of release. **Defendants may be placed with Pretrial Services only after Pretrial Services has interviewed the defendant and approved a contract to monitor the defendant.** Magistrates are not authorized to impose Pretrial Services monitoring as a condition of release.

A defendant subject to supervised custodial release may later elect to execute a secured appearance bond before an appropriate judicial official pursuant to G.S. 15A-534 (a).

## **D. Secured Bond**

A defendant charged only with an offense which cannot result in incarceration should not be placed under a secured bond unless they have failed to appear or absconded supervision.

This means release on an appearance bond secured by a cash deposit of the full amount of the bond, mortgage, or at least one solvent surety.

Appearance bonds secured by real property may be approved by the magistrate for bond amounts of \$50,000.00 or less. Bond amounts in excess of \$50,000.00 require justification before the Clerk of Superior Court.

This form of release must not be selected by the magistrate unless he first determines that the release under A, B or C above:

1. Will not reasonably assure the appearance of the defendant as required;
2. Will pose a danger of injury to any person See G.S.15A-534 (b), (d2) below; or
3. Is likely to result in the destruction of evidence;
4. Subornation of perjury; or
5. Intimidation of potential witnesses.

#### **V. DETERMINING THE FORM OF PRETRIAL RELEASE**

In determining the form of pretrial release, judicial officials must take into account, based upon available information, the following criteria:

- (1) the nature and circumstances of the offense charged;
- (2) the weight of the evidence against the defendant;
- (3) the defendant's family ties;
- (4) the defendant's employment status and history;
- (5) the defendant's financial resources;
- (6) the defendant's character;
- (7) the defendant's mental condition;
- (8) the defendant's degree of intoxication and whether or not this would endanger the defendant if released without supervision;
- (9) the defendant's length of residence in the community;
- (10) the defendant's record of convictions, including whether the defendant is currently on probation;
- (11) the defendant's history of flight to avoid prosecution;
- (12) the defendant's history of failure to appear at court proceedings;
- (13) Any other evidence relevant to the issue of pretrial release (e.g. any other factors that bear on the risk of nonappearance, injury to any person, destruction of evidence, subornation of perjury, or intimidation of any potential witness) including, but not limited to:
  - a. Whether the defendant has pending charges in court at the time of the alleged offense including the nature of the pending charges, e.g., property crimes or crimes of violence.
  - b. Whether the defendant is charged with a felony offense and is currently on probation for a prior offense (See B (9). below.)
  - c. Whether the defendant has any history of substance abuse.



- d. Whether there is any indication of gang involvement (See Section E for criteria to be considered as to gang involvement.).

#### **A. Failure to Appear**

The more serious the nature of the crime charged, the worse the prior criminal record of a defendant, the number and nature of other existing pending charges, the more aggravated the circumstances of the offense charged, and the greater the weight of the evidence against the defendant, the more likely she will not appear as required. A person properly charged with failure to appear or absconding probation supervision should be released only on a secured bond unless the judicial official is presented with clear and convincing evidence of justification.

A defendant who has no history of flight to avoid prosecution or unjustified failure to appear at court proceedings is more likely to appear as required. A defendant with strong ties to North Carolina and the Cumberland County area is more likely to appear as required than a defendant with lesser ties. A person who has lived in the state, who has held lengthy employment in the state, and whose family and close friends have similar ties would have very strong ties to the state. A person with lesser ties but with strong reasons to be in the state on a regular, frequent and predictable basis for significant lengths of time could also have strong ties to the state.

When placing conditions of pretrial release on a defendant who has failed to appear on charges, the judicial official shall impose the conditions recommended on the order for arrest issued for that failure to appear. If no conditions are recommended in that order for arrest, the judicial official shall set a secured bond in the amount of at least double the amount of the most recent secured or unsecured bond on the charges. If no bond has yet been required on the charges, bond should be set at a minimum of \$500.

#### **B. Other Statutes That Must Be Considered**

When selecting the form of pretrial release, North Carolina General Statutes provide specific instructions and restrictions for certain types of crimes. Judicial officials should be aware of these statutes and follow them when applicable.

- (1) 15A-534.1: Crimes of Domestic Violence
- (2) 15A-534.2: Detention of Impaired Drivers
- (3) 15A-534.3: Detention for Communicable Diseases
- (4) 15A-534.4: Sex Offenses and Crimes of Violence Against Child Victims
- (5) 15A-534.5: Detention to Protect Public Health
- (6) 15A-434.6: Bail in Cases of Manufacture of Methamphetamine
- (7) 15A-533 (d): Drug Trafficking (see § V, D infra.)
- (8) 15A, Article 37: Uniform Criminal Extradition Act
- (9) 15A-534 (d2): Where conditions of pretrial release are being determined for a defendant who is charged with a felony offense and the defendant is currently on probation for a prior offense, the judicial official shall

determine whether the defendant poses a danger to the public prior to imposing conditions of pretrial release and must record that determination in writing.

- (10) 15A-1345 (b1) If the probationer is arrested for a violation of any of the conditions of probation and (i) has a pending charge for a felony offense or (ii) has been convicted of an offense at any time that requires registration under Article 27A of Chapter 14 of the General Statutes or an offense that would have required registration but for the effective date of the law establishing the Sex Offender and Public Protection Registration Program, the judicial official shall determine whether the probationer poses a danger to the public prior to imposing conditions of release and must record that determination in writing.

### **C. Imposing Other Restrictive Conditions**

As noted above, judicial official imposing one of the five statutory forms of pretrial release may also place restrictions on the travel, associations, conduct, or place of abode of the defendant.

A defendant may be required to maintain periodic contact with Court designated persons as a condition of release (e.g. Pretrial staff, Day Reporting Center staff).

Requiring the defendant to produce identification as a condition of release may be appropriate in circumstances where there is a real question about the identity of the person arrested. Requiring the defendant to produce identification as a condition of release should not be used if the defendant has been arrested on an outstanding process, as the arresting officer should have established the identity of the person arrested.

### **D. Drug Trafficking**

If a judicial official finds the following:

- (1) There is reasonable cause to believe that a person has committed a drug trafficking offense; and
- (2) The drug trafficking offense was committed while the person was on pretrial release for another offense; and
- (3) The person has been previously convicted of a Class A through E felony, or any drug trafficking offense, and not more than 5 years has passed since the conviction (or release from prison for the offense, whichever is later); then the person can ONLY be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community [G.S. 15A-533(d)].

### **E. Gang Activity**

When determining the form of pretrial release, verified gang activity is an appropriate factor to consider. However, in making this determination, judicial officials may only consider specific and verified incidents of gang activity. Conclusory



statements that the defendant is a known gang member or associates with known gang members are not sufficient for including this factor in a determination of pretrial release.

15A-533 (e) provides that “[t]here shall be a rebuttable presumption that no condition of release will reasonably assure the appearance of the person as required and the safety of the community if a judicial official finds the following:

(1) There is reasonable cause to believe that the person committed an offense for the benefit of, at the direction of, or in association with, any criminal street gang, as defined in G.S. 14-50.16;

(2) The offense described in subdivision (1) of this subsection was committed while the person was on pretrial release for another offense; and

(3) The person has been previously convicted of an offense described in G.S. 14-50.20, and not more than five years has elapsed since the date of conviction or the person’s release for the offense, whichever is later.

Persons who are considered for bond under the provisions of subsections (D) (drug trafficking) and (E) (gang activity) of this section may only be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community.

#### **F. Firearm Offenses**

If a judicial official finds the following:

(1) There is reasonable cause to believe that a person has committed any felony or A1 misdemeanor involving the illegal use, possession or discharge of a firearm.

(2) The offense was committed while the defendant was on pretrial release for another felony or A1 misdemeanor involving the illegal use, possession or discharge of a firearm; or

(3) The person was previously convicted of a felony or A1 misdemeanor involving the illegal use, possession or discharge of a firearm and not more than 5 years have elapsed since the date of the conviction or the person’s release for the offense, whichever is later.

(4) Then the person can ONLY be released by a district or superior court judge upon a finding that there is a reasonable assurance that the person will appear and release does not pose an unreasonable risk of harm to the community [G.S. 15A-533(f)].



## **Other Items**

### **A. Magistrates**

Magistrates may not determine whether or upon what conditions a defendant charged with a capital offense may be released before trial pursuant to G.S. 15A-533.

Magistrates may not determine whether or upon what conditions a defendant charged with domestic violence as defined by G.S. 15A-534.1(a) may be released before trial, unless a judge has not done so within 48 hours of the defendant's arrest (G.S. 15A-534.1). In this instance, a magistrate must make a determination as to imposition of pretrial release conditions.

If a magistrate is imposing conditions of release (1)-(3) [WPA, Custody Release, and Unsecured Bond] then no written findings need to be made pursuant to G.S. 15A-511. However, when magistrates impose a secured bond, they must record the reasons for doing so in writing on the appropriate form. This form shall be securely attached to and accompany the original release order form setting forth conditions of pretrial release which is forwarded to the District Court. This form should not be modified in any form or fashion.

Magistrates should use the existing forms for Implied Consent Offenses (currently AOC-CR-271) and Detention of Impaired Drivers (currently AOC-CR-270). However, if a secured bond is set in these cases, magistrates should also ensure that the reasons for imposing a secured bond are fully set out on the appropriate local form.

When making a determination as to the appropriate form of pretrial release, magistrates should always review a defendant's history of convictions.

Magistrates should request all Law Enforcement officers to provide all available information in the "COMMENTS/RECOMMENDATIONS BY LEO" section and to identify themselves and their agencies for future reference purposes.

## SUGGESTED BOND AMOUNTS

PLEASE NOTE: Judicial Officials are vested with discretion in the settings of conditions of pretrial release. Judicial Officials are expected to use their discretion. The suggested bond amounts are suggested ranges only and are NOT mandatory. The suggested bond amounts are NOT limitations on judicial discretion.

The following are guidelines for the setting of secured bonds when that condition of pretrial release is imposed:

TYPE OF OFFENSE	MAXIMUM PUNISHMENT	SUGGESTED SECURED BONDS
Local Ordinance	\$50 fine or 30 days	Written Promise
Class 3 Misdemeanor	20 days	Written Promise
Class 2 Misdemeanor	60 days	\$0 to \$500
Class 1 Misdemeanor	120 days	\$0 To \$1,000
Class A1 Misdemeanor	150 days	\$0 to \$2,000
Driving While Impaired	24 months	\$0 to \$5,000
Class I Felony	15 months	\$0 to \$2,500
Class H Felony	30 months	\$0 to \$10,000
Class G Felony	44 months	\$1,000 to \$15,000
Class F Felony	59 months	\$2,500 to \$25,000
Class E Felony	98 months	\$5,000 to \$50,000
Class D Felony*	229 months	\$10,000 to \$250,000
Class C Felony*	261 months	\$15,000 to \$250,000
Class B2 Felony*	480 months	\$25,000 to \$500,000
Class B1 Felony*	Life without Parole	\$50,000 to \$1,000,000
Class A Felony*	Death, Life without Parole	No Bond (unless set by Judge)
Habitual DWI*	59 months	\$5,000 to \$50,000
NC Probation Violation		Set amount appropriate for underlying offense with consideration for the nature of any violations and any new charges
Fugitive Warrant		
Governor's Warrant		
Interstate Compact		No Bond
Parole Warrant		

\*Each of these offenses carries a mandatory minimum active sentence

**DRUG TRAFFICKING \***

<b>TYPE OF OFFENSE</b>	<b>MINIMUM SENTENCE</b>	<b>MAXIMUM SENTENCE</b>	<b>SUGGESTED SECURED BONDS</b>
Class H Drug-Trafficking Felony	25 months	30 months	\$5,000-\$25,000
Class G Drug-Trafficking Felony	35 months	42 months	\$25,000-\$100,000
Class F Drug-Trafficking Felony	70 months	84 months	\$25,000-\$200,000
Class E Drug-Trafficking Felony	90 months	117 months	\$50,000-\$200,000
Class D Drug-Trafficking Felony	175 months	219 months	\$200,000-\$500,000
Class C Drug-Trafficking Felony	225 months	279 months	\$200,000-\$1,000,000

\* Please see the following chart for classes of drugs and quantities.



**DRUG TRAFFICKING (continued) \***

STATUTE	DESCRIPTION OF OFFENSE	PUNISHMENT
90-95(h)(1): Trafficking in marijuana	More than 10 and less than 50 pounds	Class H drug-trafficking felony; fine of not less than \$5,000
	50 – 1,999 pounds	Class G drug-trafficking felony; fine of not less than \$25,000
	2,000 – 9,999 pounds	Class F drug-trafficking felony; fine of not less than \$50,000
	10,000 pounds or more	Class D drug-trafficking felony; fine of not less than \$200,000
90-95(h)(2): Trafficking in methaqualone	1,000 – 4,999 dosage units	Class G drug-trafficking felony; fine of not less than \$25,000
	5,000 – 9,999 dosage units	Class F drug-trafficking felony; fine of not less than \$50,000
	10,000 dosage units or more	Class D drug-trafficking felony; fine of not less than \$200,000
90-95(h)(3): Trafficking in cocaine	28 – 199 grams	Class G drug-trafficking felony; fine of not less than \$50,000
	200 – 399 grams	Class F drug-trafficking felony; fine of not less than \$100,000
	400 grams or more	Class D drug-trafficking felony; fine of not less than \$250,000
90-95(h)(3b): Trafficking in amphetamine or methamphetamine	28 – 199 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	200 – 399 grams	Class E drug-trafficking felony; fine of not less than \$100,000
	400 grams or more	Class C drug-trafficking felony; fine of not less than \$250,000
90-95(h)(4): Trafficking in opium or heroin	4 – 13 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	14 – 27 grams	Class E drug-trafficking felony; fine of not less than \$100,000
	28 grams or more	Class C drug-trafficking felony; fine of not less than \$500,000
90-95(h)(4a): Trafficking in LSD	100 – 499 dosage units	Class G drug-trafficking felony; fine of not less than \$25,000
	500 – 999 dosage units	Class F drug-trafficking felony; fine of not less than \$50,000
	1,000 dosage units or more	Class D drug-trafficking felony; fine of not less than \$200,000
90-95(h)(4b): Trafficking in MDA/MDMA	100 – 499 dosage units or 28 – 199 grams	Class G drug-trafficking felony; fine of not less than \$25,000
	500 – 999 dosage units or 200 – 399 grams	Class F drug-trafficking felony; fine of not less than \$50,000
	1,000 dosage units, or 400 grams, or more	Class D drug-trafficking felony; fine of not less than \$250,000